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C O N F I D E N T I A L SECTION 01 OF 02 TEGUCIGALPA 000029

SIPDIS

E.O. 12958: DECL: 01/14/2019
TAGS: [KJUS](#) [PGOV](#) [EFIN](#) [HO](#)
SUBJECT: AMBASSADOR'S VISIT SUPPORTS SUPREME COURT
NOMINATING COMMITTEE

REF: A. TEGUCIGALPA 15
[1](#)B. TEGUCIGALPA 20

Classified By: Ambassador Hugo Llorens, reason 1.4 (d)

[1](#)1. (U) Summary: The Ambassador paid a courtesy call on the Nominating Committee for the next Supreme Court on January 13 - the day that they completed the public hearings of the nominees. The Committee explained the process they were pursuing (ref A). The Committee noted that all excluded nominees were allowed to present their cases to the Committee and that the public hearings had been very well received by the public. The individual members explained that the committee had come to all decisions by consensus and that they had put aside their differences to select the best group of candidates possible for the good of the country. The only remaining issue is whether current members of the court can be reelected without being on the committee's list. The resulting positive press from the visit gave the Committee a much needed boost. End Summary.

[1](#)2. (U) The Ambassador, accompanied by Political Counselor and USAID Officer, visited the Nominating Committee for the new Supreme Court on January 13 to learn about the process of nominating the next court. Jorge Omar Casco, the head of the Committee, told us that several cases had been brought against the board by those whose names had been removed from the initial list, but that all of those nominees were given the chance to present their cases to the committee. Casco also described the series of public audiences that had concluded the same day, saying that they had been extremely popular with the public. The Ambassador thanked the members receiving him and praised the Committee for its work in making the process open and transparent. He noted that the committee represented wide swaths of civil society and said the holding of public audiences added to the credibility and transparency of the process.

[1](#)3. (U) Israel Salinas, the Committee's representative from labor unions, explained that historically the groups he represented had been very critical of the courts and especially the way the Supreme Court was selected. But instead of continuing to criticize, Salinas said that the unions had decided to participate fully to improve the process. He noted that he has now changed his mind about the

process and said that he has a newfound respect for business owners, with whom he has worked constructively on issues of mutual concern. Emilio Larach, representative of the business owners' association, agreed with Salinas and said that although the process was not perfect, the Committee has worked long hours together and has come to all agreements by consensus. He added that the committee did not only represent their member organizations, but was also keenly interested in finding honest and qualified individuals who were not beholden to any one group. He proudly informed the Ambassador that of the 108 people who had nominated themselves, 40 had made it onto the final list of 98 that the Committee was currently considering.

¶4. (C) There has been much public discussion over whether the Congress must choose the next Supreme Court solely from the list of the Nominating Committee's final list of 45, or whether they can include members of the current court or even those who are neither. The Committee said they believed current court members could be reelected, but that they had to be on the list of 45 to be considered by the Congress (only one of the current members made it onto the list of 98).

¶5. (C) Comment: Following the meeting, the Ambassador spoke to the press, who has given the issue much play in recent days. The Ambassador praised the Committee for ably representing civil society and creating a uniquely transparent process for the selection of Supreme Court Justices. The resulting media coverage was extremely positive and a demonstration of U.S. support for an

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innovative Honduran process that hopefully can result in the selection of a more professional and accountable Supreme Court.

¶6. (C) Now that the Nominating Committee has finished interviewing the candidates, it has begun the process of selecting a short list of 45 of the 98 candidates. The Congress should select the 15 Magistrates from the list of 45 provided by the Committee. However, since none of the candidates being considered by the Committee are loyalists of President Manual Zelaya, or of the party hierarchies of the Liberal and National parties, it is expected the government and other political insiders (not necessarily the Nationalists) will seek to push the reelection of several sitting Supreme Court Magistrates. Although this is possible it will be a highly unpopular move since it will suggest efforts by the political establishment to retain undue influence over the Supreme Court. Therefore, the public pressure and media spotlight should ensure that Congress mostly chooses Magistrates from the list submitted by the Committee, although it might tap a handful of current Court members. In sum, if not a perfect process, there is a more than even possibility that Congress will elect the most independent Supreme Court in Honduran history. This would be an important gain for Honduran democracy.
LLORENS